

S. R. No. 590—By Senator Herring: Extending welcome to teachers and students, Sixth Grade students, Brentwood Elementary School.

Adjournment

On motion of Senator Aikin, the Senate, at 11:07 o'clock a.m., adjourned until 10:00 o'clock a.m. tomorrow.

THIRTY-FIRST DAY

(Thursday, March 4, 1971)

The Senate met at 10:00 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Wilson
Herring	Word
Hightower	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

(President Pro Tempore in Chair.)

Bill Signed

The President Pro Tempore announced the signing by the President in the presence of the Senate after the caption had been read, the following enrolled bill:

S. B. No. 91.

Reports of Standing Committees

Senator Herring submitted the fol-

lowing report for the Committee on Jurisprudence:

S. B. No. 159 (Reported adversely).

Senator Blanchard submitted the following report for the Committee on Insurance:

S. B. No. 326 (Amended).

Senator Moore submitted the following reports for the Committee on State Affairs:

S. B. No. 124 (Amended).

C. S. S. B. No. 226 (Read first time).

C. S. S. B. No. 123 (Read first time).

Senator Ratliff submitted the following reports for the Committee on Banking:

S. B. No. 465.

S. B. No. 466.

S. B. No. 75 (Amended).

Senator Jordan submitted the following report for the Committee on Labor and Management Relations:

C. S. S. B. No. 334 (Read first time).

Senator Hall submitted the following reports for the Committee on County, District and Urban Affairs:

S. B. No. 447 (Floor Report).

S. B. No. 448 (Floor Report).

H. B. No. 1 (Floor Report).

Message From the House

Hall of the House of Representatives
Austin, Texas,
March 4, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

S. B. No. 65, A bill to be entitled "An Act relating to the Firemen's Relief and Retirement Fund in certain cities; amending Section 6C, Subsections (a) and (c) of Section 7D, Subsection (a) of Section 10D, Subsections (a) and (g) of Section 12B,

and adding Subsection (j) to Section 12B, Chapter 125, Acts of the 45th Legislature, Regular Session, 1937, as amended (Article 6243e, Vernon's Texas Civil Statutes); and declaring an emergency."

S. B. No. 341, A bill to be entitled "An Act validating elections and other proceedings relating to the authorization, execution, and delivery of water supply contracts pursuant to the provisions of Chapter 342, Acts of the 51st Legislature, 1949 (Article 1109e, Vernon's Texas Civil Statutes), under certain conditions; providing for the execution, delivery and validity of such contracts, limiting the application of the Act; and declaring an emergency."

(With Amendment.)

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Senate Bills on First Reading

The following bills were introduced, read first time and referred to the Committee indicated:

By Senator Moore:

S. B. No. 488, A bill to be entitled "An Act relating to the charging of certain inspection fees by state entomologists for the inspection of certain honey bees; requiring beekeepers to display certain information; amending Title 17, Revised Civil Statutes of Texas, 1925, as amended, by adding Article 551a; amending Section 2, Chapter 209, Acts of the 60th Legislature, Regular Session, 1967 (Article 565a, Vernon's Texas Civil Statutes); and declaring an emergency."

To Committee on State Affairs.

By Senator Herring:

S. B. No. 489, A bill to be entitled "An Act authorizing the State Building Commission or such Commission's successor in function to grant such easements and rights-of-way on behalf of the State of Texas as shall be necessary to construct, improve, renovate, use and operate project facilities for any State agency on any project administered by the State Building Commission; and declaring an emergency."

To Committee on State Affairs.

By Senators Herring, Brooks, Watson and Word:

S. B. No. 490, A bill to be entitled "An Act to provide occupational and technical training and support courses on branch campuses and centers or extensions of Central Texas College in Bastrop, Blanco, Caldwell, Hays, Travis and Williamson counties; and declaring an emergency."

To Committee on Education.

By Senator Wallace:

S. B. No. 491, A bill to be entitled "An Act relating to the labeling and the sale, offer for sale, or exposure for sale of certain detergents; providing a penalty; and declaring an emergency."

To Committee on Environment.

By Senator Wilson:

S. B. No. 492, A bill to be entitled "An Act authorizing the Board of Directors of The Texas A&M University System to acquire by purchase in the name of the State of Texas, for the use and benefit of the Texas Forest Service, and to improve the same, a sufficient quantity of land suitable for the expansion of the Indian Mound Nursery in Rusk County for the operation thereon of a forest tree nursery and for the production of other forest products; providing that not more than one hundred acres of land may be purchased under the terms of this Act; providing that the selling price of tree seedlings produced thereon shall, as far as practicable, represent the cost of production; and declaring an emergency."

To Committee on State Affairs.

By Senators Kothmann and Bernal:

S. B. No. 493, A bill to be entitled "An Act establishing and providing for a State mentally retarded school; regulating and providing for the operation of same; and declaring an emergency."

To Committee on State Affairs.

By Senator Creighton:

S. B. No. 494, A bill to be entitled "An Act creating a Texas Advisory Commission on Intergovernmental Relations; providing for members; establishing terms of office and procedures for filling vacancies and keeping records; authorizing per diem and expenses; authorizing staff; assigning functions and duties; providing for regular reporting; authorizing the receipt and expenditure of funds; and declaring an emergency."

To Committee on State Affairs.

Senate Resolution 610

Senator Brooks offered the following resolution:

Whereas, We are honored today to have as a visitor in the Senate, Mr. James Carby, Tour Director of the Apollo 11 Fifty-State Tour sponsored by the National Aeronautics & Space Administration; and

Whereas, We desire to welcome this distinguished visitor to the Capitol Building and Capital City; Now, therefore, be it

Resolved, That his presence be recognized by the Senate of Texas, that he be extended the official welcome of the Senate and the privileges of the floor for the day, and that he be recognized for an announcement pertaining to the Apollo 11 Spacecraft and Moon Rock Exhibit.

The resolution was read and was adopted.

The President Pro Tempore requested Senator Brooks to escort Mr. Carby to the President's Rostrum.

Senator Brooks introduced Mr. Carby to the Members of the Senate. Mr. Carby addressed the Members of the Senate, expressing NASA's appreciation for the invitation of the Legislature to the Apollo 11 Spacecraft and Moon Rock Exhibit. He also exhibited a portion of lunar rock sample to the Senate.

He extended an invitation to the Members and their families to visit the Apollo 11 Exhibit.

(President in Chair.)

Minority Report on S. B. No. 159

Senator McKool submitted the following Minority Report on S. B. No. 159:

We, the following members of the Jurisprudence Committee, do hereby give notice under Senate Rule 104 of a favorable minority report for S. B. No. 159 and within the required ten days a motion will be made to substitute this minority report for the majority report. We were present at the committee hearing and voted on the minority side.

McKool
WALLACE
KENNARD

Message From Governor

The following message received from the Governor was read and referred to the Committee on Nominations:

Austin, Texas,
March 4, 1971.

To the Senate of the Sixty-Second Legislature:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointment:

To be a Member of the Texas Water Development Board: To fill the unexpired term of Joseph Searcy Bracewell, of Houston, Harris County, resigned, term to expire December 31, 1975: Carl Illig, of Houston, Harris County.

Respectfully submitted,
PRESTON SMITH
Governor of Texas

House Bill 278 on Second Reading

The President laid before the Senate as an emergency matter submitted by the Governor on its second reading and passage to third reading:

H. B. No. 278, A bill to be entitled "An Act establishing the Higher Education Facilities Bond Program of 1971; etc., and declaring an emergency."

The bill was read second time.

Senator Kennard moved that further consideration of H. B. No. 278 be postponed until Monday, April 5, 1971.

The motion to postpone further consideration of H. B. No. 278 was lost by the following vote:

Yeas—10

Christie	Jordan
Grover	Kennard
Hall	Mauzy
Harrington	Moore
Herring	Wilson

Nays—21

Aikin	Creighton
Bates	Harris
Beckworth	Hightower
Bernal	Kothmann
Blanchard	McKool
Bridges	Patman
Brooks	Ratliff
Connally	Schwartz

Sherman
Snelson
Wallace

Watson
Word

Senator Aikin offered the following Committee Amendment to the bill:

Amend H. B. No. 278 by striking Section 5, renumbering Sections 6-8 as Sections 5-7, and amending Sections 3 and 4 to read as follows:

Sec. 3. The Board of Regents of Texas Tech University, acting separately and independently for and on behalf of Texas Tech University and separately and independently for and on behalf of the Texas Tech University School of Medicine at Lubbock, is hereby granted full and final authority and responsibility to acquire, purchase, construct, improve, enlarge, and/or equip property, buildings, structures, and/or facilities for the Texas Tech University School of Medicine at Lubbock, and to issue revenue bonds pursuant to Chapter 763, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 2909c-3, Vernon's Texas Civil Statutes), and/or pursuant to any other revenue bond law now or hereafter made applicable or available to said Board of Regents, and, acting separately and independently for and on behalf of Texas Tech University and separately and independently for and on behalf of the Texas Tech University School of Medicine at Lubbock, to pledge irrevocably to the payment of such bonds all or any part of the aggregate amount of student tuition charges required or authorized by law to be imposed on students enrolled at Texas Tech University and/or at the Texas Tech University School of Medicine at Lubbock; and the amount of any pledge so made shall never be reduced or abrogated while such bonds are outstanding; provided, however, that no bonds shall be issued by said Board of Regents pursuant to this Section except for the purpose of providing funds to acquire, purchase, construct, improve, enlarge, and/or equip property, buildings, structures, and facilities for the Texas Tech University School of Medicine at Lubbock; and provided that the aggregate principal amount of the bonds issued under this Section shall not exceed \$35 million.

Sec. 4. The Board of Regents of The University of Texas System is hereby granted full and final authority and responsibility to acquire,

purchase, construct, improve, enlarge, and/or equip property, buildings, structures, and/or facilities for any or all of the institutions set out below in this section, and to issue revenue bonds pursuant to Chapter 763, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 2909c-3, Vernon's Texas Civil Statutes), and/or pursuant to any other revenue bond law now or hereafter made applicable or available to said Board of Regents, and to pledge irrevocably to the payment of such bonds all or any part of the aggregate amount of student tuition charges required or authorized by law to be imposed on students enrolled at each institution, branch, and school operated by or under the jurisdiction of said Board of Regents; and the amount of any pledge so made shall never be reduced or abrogated while such bonds are outstanding; provided, however, that no bonds shall be issued by the Board of Regents of The University of Texas System pursuant to this Section except for the purpose of providing funds to acquire, purchase, construct, improve, enlarge, and/or equip property, buildings, structures, and facilities for The University of Texas at Dallas, The University of Texas of the Permian Basin, The University of Texas at San Antonio, The University of Texas Medical School at Houston, The University of Texas Dental School at San Antonio, The University of Texas (Undergraduate) Nursing School at El Paso, The University of Texas Nursing School (Clinical) at San Antonio, and all other University of Texas Nursing Schools (System-wide) now or hereafter operated by and under the jurisdiction of said Board of Regents; and provided that the aggregate principal amount of the bonds issued under this Section shall not exceed \$150 million.

The Committee Amendment was read.

Senator Aikin offered the following amendment to the pending Committee Amendment:

Amend Section 4 of Senate Committee Amendment No. 1 to H. B. No. 278 to read as follows:

"Section 4. The Board of Regents of The University of Texas System is hereby granted full and final authority and responsibility to acquire, purchase, construct, improve, enlarge,

and/or equip property, buildings, structures, and/or facilities for any or all of the institutions set out below in this Section, and to issue revenue bonds pursuant to Chapter 763, Acts of the 61st Legislature, Regular Session, 1969, as amended (Article 2909c-3, Vernon's Texas Civil Statutes), and/or pursuant to any other revenue bond law now or hereafter made applicable or available to said Board of Regents, and to pledge irrevocably to the payment of such bonds all or any part of the aggregate amount of student tuition charges required or authorized by law to be imposed on students enrolled at each institution, branch, and school operated by or under the jurisdiction of said Board of Regents; and the amount of any pledge so made shall never be reduced or abrogated while such bonds are outstanding; provided, however, that no bonds shall be issued by the Board of Regents of The University of Texas System pursuant to this Section except for the purpose of providing funds to acquire, purchase, construct, improve, enlarge, and/or equip property, buildings, structures, and facilities for The University of Texas at Dallas, The University of Texas of the Permian Basin, The University of Texas at San Antonio, The University of Texas Medical School at Houston, The University of Texas Dental School at San Antonio, The University of Texas (Undergraduate) Nursing School at El Paso, and The University of Texas (Clinical) Nursing School at San Antonio; and provided that the aggregate principal amount of the bonds issued under this Section shall not exceed \$150 million."

The amendment to the pending Committee Amendment was read.

(Senator Schwartz in Chair.)

Senator Kennard offered the following substitute for the pending amendment to the Committee Amendment:

Amend H. B. No. 278 by striking all above and all below the enacting clause and substituting in lieu thereof the following:

A BILL

TO BE ENTITLED

An Act authorizing the Coordinating Board of the Texas College and University System to issue revenue bonds from time to time for facili-

ties at The University of Texas at Dallas, The University of Texas for the Permian Basin, The University of Texas at San Antonio, The University of Texas Medical School at Houston and the Texas Technological School of Medicine at Lubbock, describing the features of said bonds, authorizing the Board to pledge to the payment of the principal of and interest on the bonds tuition and registration fees received by all public senior colleges and universities in the state, establishing Texas College and University Development Fund and Texas College and University tuition fee bonds, interest and sinking fund, prescribing the method of handling of monies therein, providing for refunding of such bonds, approval by the Attorney General, registration by the Comptroller of Public Accounts, qualifying such bonds for investment and security, making the Act cumulative, providing for severability and declaring an emergency.

Section 1. The Coordinating Board, Texas College and University System (hereinafter called the "Board") shall be authorized and have the power to issue its revenue bonds from time to time for the purpose of providing funds to acquire, purchase, construct, improve, enlarge, and/or equip any property, buildings, structures or other facilities, for and on behalf of The University of Texas at Dallas, The University of Texas for the Permian Basin, The University of Texas at San Antonio, The University of Texas Medical School at Houston and the Texas Technological School of Medicine at Lubbock, with said revenue bonds to be payable from and secured by a lien on and pledge of the special funds in the manner hereinafter provided.

Section 2. Such bonds may be issued to mature serially or otherwise within not to exceed fifty years from their date. All bonds issued pursuant to this Act shall be on a parity, regardless of the date or dates of issuance. Such bonds and any interest coupons appertaining thereto shall be negotiable instruments (provided that such bonds may be issued registerable as to principal alone or as to both principal and interest), and shall be executed, and may be made redeemable prior to

maturity, and may be issued in such form, denominations, and manner, and under such terms, conditions, and details, and may be sold in such manner, at such price, and under such terms, and said bonds shall bear interest at such rate or rates, all as shall be determined and provided by the Board in the resolution or resolutions authorizing the issuance of said bonds. Such bonds may not be issued in an aggregate principal amount exceeding \$150,000,000 for facilities for The University of Texas at Dallas, The University of Texas for the Permian Basin, The University of Texas at San Antonio and The University of Texas Medical School at Houston, and not exceeding \$30,000,000 for the facilities at the Texas Technological School of Medicine at Lubbock.

Section 3. The Board is authorized to pledge to the extent necessary to pay the principal of and interest on such bonds and maintain the necessary funds established by said resolution or resolutions the tuition and registration fees authorized to be collected pursuant to Acts 1933, 43rd Legislature, Chapter 196, as amended (Vernon's Ann. Civ. St., Art. 2654c, as amended) and collected by every "Public Senior College or University," as such term is defined in the Higher Education Coordinating Act of 1965, as amended (Vernon's Ann. Civ. St., Art. 2919e-2, as amended); and all other such institutions heretofore or hereinafter established by the Legislature.

Section 4. (a) For the purposes of administering proceeds from the sale of such bonds, the monies herein authorized to be pledged and the payment of the bonds herein authorized to be issued there are hereby created with the State Treasurer the "Texas College and University Development Fund" and the "Texas College and University Tuition Fee Bonds Interest and Sinking Fund." The resolution or resolutions authorizing such bonds may create other funds deemed appropriate or necessary by the Board.

(b) The Texas College and University Development Fund (hereinafter called "Development Fund") into which shall be deposited the proceeds derived from the sale of the bonds herein authorized, shall be used by the Board for the purposes of provid-

ing funds to acquire, purchase, construct, improve, enlarge and/or equip any property, buildings, structures or other facilities for and on behalf of the said institutions. The disbursements from such fund shall be made by the Comptroller of Public Accounts of the State of Texas upon certification by the Commissioner of Higher Education. The expense of issuing such bonds shall be considered as part of the costs, and the Board may provide for the appropriation from the proceeds from the sale of such bonds such amounts as shall be sufficient to pay interest coupons to mature on such series of bonds within the fiscal biennium during which such bonds were issued, and for the establishment of such reserves as shall be deemed appropriate or necessary by the Board.

(c) The Texas College and University Tuition Fee Bonds interest and Sinking Fund (hereinafter called "Interest and Sinking Fund") shall be used exclusively for the purpose of paying the principal of and interest on such bonds as the same mature and come due and the collection charges in connection therewith. Accrued interest received from the sale of any such bonds shall be deposited in the Interest and Sinking Fund. The tuition and registration fees herein authorized to be pledged shall be deposited into the Interest and Sinking Fund as such are received by the State Treasurer. The Commissioner of Higher Education shall determine in advance of the beginning of each fiscal biennium the amounts that shall be required during such biennium for the payment of principal of and interest on such bonds at the time outstanding. The Commissioner shall allocate among all public senior colleges and universities referred to in Section 3 the amount thus required. Such allocation shall be made on the basis of the relative student population in each of such institutions during the last preceding fiscal year prior to the time such allocation is made. Such allocation shall be communicated to the Governor, the Comptroller of Public Accounts, the State Treasurer, the Legislative Budget Board and each of such institutions. Each such institution shall from the first tuition and registration fees received by it forward its quota of such allocation. The use of the tuition and registration

fees herein authorized shall be the primary use thereof and such use shall have a priority over all other uses.

Section 5. The bonds authorized by this Act are to be paid solely from the revenues herein authorized to be pledged and shall never be an obligation of the state.

Section 6. Any bonds issued by the Board under this Act may be refunded or otherwise refinanced by the Board, and in such cases all pertinent and appropriate provisions of this Act shall be applicable to such refunding bonds. In refunding or otherwise refinancing any such bonds the Board may, in the same authorizing proceedings authorize additional new bonds to be issued under this Act and may combine same into one or more issues or series of bonds.

Section 7. All bonds permitted to be issued under this Act, and the appropriate proceedings authorizing their issuance, shall be submitted to the Attorney General of the State of Texas for examination. If he finds that such bonds have been authorized in accordance with this Act he shall approve them, and thereupon they shall be registered by the Comptroller of Public Accounts of the State of Texas; and after such approval and registration such bonds shall be incontestable in any court, or other forum, for any reason, and shall be valid and binding obligations in accordance with their terms for all purposes.

Section 8. All bonds issued under this Act shall be legal and authorized investments for all banks, trust companies, building and loan associations, savings and loan associations, insurance companies of all kinds and types, fiduciaries, trustees, and guardians, and for all interest and sinking funds and other public funds of the State of Texas and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies and bodies politic. Said bonds also shall be eligible and lawful security for all deposits of public funds of the State of Texas and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of dis-

tricts, public agencies, and bodies politic, to the extent of the market value of said bonds, when accompanied by any unmatured interest coupons appurtenant thereto.

Section 9. This Act shall be cumulative of all other laws on the subject, but this Act shall be wholly sufficient authority within itself for the issuance of the bonds and the performance of the other acts and procedures authorized hereby, without reference to any other laws or any restrictions or limitations contained therein, except as herein specifically provided; and when any bonds are being issued under this Act, then to the extent of any conflict or inconsistency between any provisions of this Act and any provision of any other law, the provisions of this Act shall prevail and control; provided, however, that the Board shall have the right to use the provisions hereof, to the extent convenient or necessary to carry out any power or authority, express or implied, granted by this Act.

Section 10. In case any one or more of the Sections, provisions, clauses, or words of this Act, or the application thereof to any situation or circumstance, shall for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other Sections, provisions, clauses, or words of this Act, or the application thereof to any other situation or circumstance, and it is intended that this Act shall be severable and shall be construed and applied as if any such invalid or unconstitutional Section, provision, clause, or word had not been included herein.

Section 11. The fact that clarification of law and more adequate authority are required for financing the acquisition of facilities at state institutions of higher learning, the fact that such facilities are urgently needed, and the crowded condition of the calendars, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

The substitute for the pending amendment to the Committee Amendment was read.

Senator Blanchard raised the Point of Order that the substitute for the pending amendment was not within the Governor's emergency message and is therefore not germane to the subject of the bill.

(President in Chair.)

The President stated that the Chair would take the Point of Order under advisement.

Question—Shall the Point of Order by Senator Blanchard on the amendment by Senator Kennard be sustained?

Message From the House

Hall of the House of Representatives
Austin, Texas,
March 4, 1971.

Hon. Ben Barnes, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

The House has concurred in Senate amendments to House Bill No. 283 by non record vote.

S. C. R. No. 37, In memory of Billy Ray Ramey.

S. C. R. No. 38, Expressing appreciation to Texas State Historical Association on occasion of its sixty-fifth anniversary.

S. C. R. No. 39, Recognize and pay tribute to the Disabled Veterans Organization upon its Fiftieth Anniversary.

S. C. R. No. 40, In memory of John D. Cofer.

Respectfully submitted,
DOROTHY HALLMAN,
Chief Clerk, House of Representatives

Bills and Resolutions Signed

The President signed in the presence of the Senate after the caption had been read, the following enrolled bills and resolutions:

H. C. R. No. 25.

H. C. R. No. 62.

H. B. No. 377.

H. B. No. 381.

H. B. No. 382.

Recess

On motion of Senator Aikin the Senate at 11:40 o'clock a.m. took recess until 1:00 o'clock p.m. today.

After Recess

The President called the Senate to order at 1:00 o'clock p.m. today.

Leaves of Absence

Senator Moore was granted leave of absence for the remainder of today on account of important business on motion of Senator Watson.

Senator Ratliff was granted leave of absence for the remainder of today on account of important business on motion of Senator Watson.

Senator Wilson was granted leave of absence for the remainder of today on account of important business on motion of Senator Watson.

House Bill 278 on Second Reading

The Senate resumed consideration of the pending business, same being the Point of Order raised by Senator Blanchard on the substitute amendment by Senator Kennard for the amendment by Senator Aikin to the Committee Amendment.

Question—Shall the Point of Order by Senator Blanchard on the amendment by Senator Kennard be sustained?

The President overruled the Point of Order, stating that it does not expand the subject of the Governor's Message but merely provides for a different administration.

Question—Shall the substitute by Senator Kennard for the amendment by Senator Aikin to the Committee Amendment to H. B. No. 278 be adopted?

Pending discussion by Senator Kennard of the substitute amendment, Senator Aikin occupied the Chair.

Pending further discussion by Senator Kennard of the substitute amendment, the President Pro Tempore occupied the Chair.

(President in Chair.)

On motion of Senator Kennard and by unanimous consent, the substitute

by Senator Kennard for the amendment by Senator Aikin was withdrawn.

Senator Kennard offered the following substitute for the pending amendment to the Committee Amendment:

Amend H. B. 278 by striking all above and all below the enacting clause and substituting in lieu thereof the following:

**A BILL
TO BE ENTITLED**

An Act authorizing the Coordinating Board of the Texas College and University System to issue revenue bonds from time to time for facilities at The University of Texas at Dallas, The University of Texas for the Permian Basin, The University of Texas at San Antonio, The University of Texas Medical School at Houston and the Texas Technological School of Medicine at Lubbock, describing the features of said bonds, authorizing the board to pledge to the payment of the principal of and interest on the bonds tuition and registration fees received by all public senior colleges and universities in the State, establishing Texas College and University Development Fund and Texas College and University Tuition Fee Bonds Interest and Sinking Fund, prescribing the method of handling of monies therein, providing for refunding of such bonds, approval by the Attorney General, registration by the Comptroller of Public Accounts, qualifying such bonds for investment and security, making the Act cumulative, providing for severability and declaring an emergency.

Section 1. The Coordinating Board, Texas College and University System (hereinafter called the "Board") shall be authorized and have the power to issue its revenue bonds from time to time for the purpose of providing funds to acquire, purchase, construct, improve, enlarge, and/or equip any property, buildings, structures, or other facilities, for and on behalf of The University of Texas at Dallas, The University of Texas for the Permian Basin, The University of Texas at San Antonio, The University of Texas Medical School at Houston and the Texas Technological School of Medicine at Lubbock, with said revenue

bonds to be payable from and secured by a lien on and pledge of the special funds in the manner hereinafter provided. Provided however the Board shall be authorized and have the power to issue its revenue bonds from time to time for the purposes of providing funds to acquire, purchase, construct, improve, enlarge, and/or equip any property, buildings, structures, or other facilities for and on behalf of of any "public senior college or university," as such term is defined in the Higher Education Coordinating Act of 1965, as amended (VACS, Art. 2919e-2, as amended), and all other such institutions heretofore or hereinafter established by the Legislature.

Section 2. Such bonds may be issued to mature serially or otherwise within not to exceed fifty years from their date. All bonds issued pursuant to this Act shall be on a parity, regardless of the date or dates of issuance. Such bonds and any interest coupons appertaining thereto shall be negotiable instruments (provided that such bonds may be issued registrable as to principal alone or as to both principal and interest), and shall be executed, and may be made redeemable prior to maturity, and may be issued in such form, denominations, and manner, and under such terms, conditions, and details, and may be sold in such manner, at such price, and under such terms, and said bonds shall bear interest at such rate or rates, all as shall be determined and provided by the Board in the resolution or resolutions authorizing the issuance of said bonds. Such bonds may not be issued in an aggregate principal amount exceeding \$150,000,000 for facilities for The University of Texas at Dallas, The University of Texas for the Permian Basin, The University of Texas at San Antonio and The University of Texas Medical School at Houston, and not exceeding \$30,000,000 for the facilities at the Texas Technological School of Medicine at Lubbock, and not exceeding \$180,000,000 for the facilities at other public senior colleges and universities.

Section 3. The Board is authorized to pledge to the extent necessary to pay the principal of and interest on such bonds and maintain the necessary funds established by said resolution or resolutions the tuition and registration fees authorized to be collected pursuant to Acts 1933, 43rd

Legislature, Chapter 196, as amended (Vernon's Ann. Civ. St., Art. 2654c, as amended) and collected by every "Public Senior College or University," as such term is defined in the Higher Education Coordinating Act of 1965, as amended (Vernon's Ann. Civ. St., Art. 2919e-2, as amended), and all other such institutions heretofore or hereinafter established by the Legislature.

Section 4. (a) For the purposes of administering proceeds from the sale of such bonds, the monies herein authorized to be pledged and the payment of the bonds herein authorized to be issued there are hereby created with the State Treasurer the "Texas College and University Development Fund" and the "Texas College and University Tuition Fee Bonds Interest and Sinking Fund." The resolution or resolutions authorizing such bonds may create other funds deemed appropriate or necessary by the Board.

(b) The Texas College and University Development Fund (hereinafter called "Development Fund") into which shall be deposited the proceeds derived from the sale of the bonds herein authorized, shall be used by the Board for the purposes of providing funds to acquire, purchase, construct, improve, enlarge and/or equip any property, buildings, structures or other facilities for and on behalf of the said institutions. The disbursements from such fund shall be made by the Comptroller of Public Accounts of the State of Texas upon certification by the Commissioner of Higher Education. The expense of issuing such bonds shall be considered as part of the costs, and the Board may provide for the appropriation from the proceeds from the sale of such bonds such amounts as shall be sufficient to pay interest coupons to mature on such series of bonds within the fiscal biennium during which such bonds were issued, and for the establishment of such reserves as shall be deemed appropriate or necessary by the Board.

(c) The Texas College and University Tuition Fee Bonds Interest and Sinking Fund (hereinafter called "Interest and Sinking Fund") shall be used exclusively for the purpose of paying the principal of and interest on such bonds as the same mature and come due and the collection charg-

es in connection therewith. Accrued interest received from the sale of any such bonds shall be deposited in the Interest and Sinking Fund. The tuition and registration fees herein authorized to be pledged shall be deposited into the Interest and Sinking Fund as such are received by the State Treasurer. The Commissioner of Higher Education shall determine in advance of the beginning of each fiscal biennium the amounts that shall be required during such biennium for the payment of principal of and interest on such bonds at the time outstanding. The Commissioner shall allocate among all public senior colleges and universities referred to in Section 3 the amount thus required. Such allocation shall be made on the basis of the relative student population in each of such institutions during the last preceding fiscal year prior to the time such allocation is made. Such allocation shall be communicated to the Governor, the Comptroller of Public Accounts, the State Treasurer, the Legislative Budget Board and each of such institutions. Each such institution shall from the first tuition and registration fees received by it forward its quota of such allocation. The use of the tuition and registration fees herein authorized shall be the primary use thereof and such use shall have a priority over all other uses.

Section 5. The bonds authorized by this Act are to be paid solely from the revenues herein authorized to be pledged and shall never be an obligation of the state.

Section 6. Any bonds issued by the Board under this Act may be refunded or otherwise refinanced by the Board, and in such cases all pertinent and appropriate provisions of this Act shall be applicable to such refunding bonds. In refunding or otherwise refinancing any such bonds the Board may, in the same authorizing proceedings authorize additional new bonds to be issued under this Act and may combine same into one or more issues or series of bonds.

Section 7. All bonds permitted to be issued under this Act, and the appropriate proceedings authorizing their issuance, shall be submitted to the Attorney General of the State of Texas for examination. If he finds that such bonds have been authorized in accordance with this Act he shall

approve them, and thereupon they shall be registered by the Comptroller of Public Accounts of the State of Texas; and after such approval and registration such bonds shall be incontestable in any court, or other forum, for any reason, and shall be valid and binding obligations in accordance with their terms for all purposes.

Section 8. All bonds issued under this Act shall be legal and authorized investments for all banks, trust companies, building and loan associations, savings and loan associations, insurance companies of all kinds and types, fiduciaries, trustees, and guardians, and for all interest and sinking funds and other public funds of the State of Texas and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies and bodies politic. Said bonds also shall be eligible and lawful security for all deposits of public funds of the State of Texas and all agencies, subdivisions, and instrumentalities thereof, including all counties, cities, towns, villages, school districts, and all other kinds and types of districts, public agencies, and bodies politic, to the extent of the market value of said bonds, when accompanied by any unmatured interest coupons appurtenant thereto.

Section 9. This Act shall be cumulative of all other laws on the subject, but this Act shall be wholly sufficient authority within itself for the issuance of the bonds and the performance of the other acts and procedures authorized hereby, without reference to any other laws or any restrictions or limitations contained therein, except as herein specifically provided; and when any bonds are being issued under this Act, then to the extent of any conflict or inconsistency between any provisions of this Act and any provision of any other law, the provisions of this Act shall prevail and control; provided, however, that the Board shall have the right to use the provisions hereof, to the extent convenient or necessary to carry out any power or authority, express or implied, granted by this Act.

Section 10. In case any one or more of the sections, provisions, clauses, or words of this Act, or the applica-

tion thereof to any situation or circumstance, shall for any reason be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect any other Sections, provisions, clauses, or words of this Act, or the application thereof to any other situation or circumstance, and it is intended that this Act shall be severable and shall be construed and applied as if any such invalid or unconstitutional Section, provision, clause, or word had not been included herein.

Section 11. The fact that clarification of law and more adequate authority are required for financing the acquisition of facilities at state institutions of higher learning, the fact that such facilities are urgently needed, and the crowded condition of the calendars, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended; and that this Act take effect and be in force from and after its passage, and it is so enacted.

The substitute for the pending amendment to the Committee Amendment was read.

Senator Blanchard raised the Point of Order that the substitute for the pending amendment to the Committee Amendment is not within the Governor's emergency message and is therefore not germane to the subject of the bill.

The President sustained the Point of Order.

Senator Kennard offered the following amendment to the pending amendment to the Committee Amendment to the bill:

Amend Section 4 of Committee Amendment No. 1 to House Bill 278 by inserting between the third occurrence of the word "Regents" and the semicolon immediately following that word the words "except The University of Texas at Arlington, The University of Texas at Austin, and The University of Texas at El Paso."

The amendment to the pending amendment to the Committee Amendment was read and failed of adoption by the following vote:

Yeas—8

Christie	Herring
Grover	Kennard
Hall	Mauzy
Harrington	Schwartz

Nays—19

Aikin	Jordan
Bates	Kothmann
Beckworth	McKool
Bernal	Patman
Blanchard	Sherman
Bridges	Snelson
Brooks	Wallace
Connally	Watson
Harris	Word
Hightower	

Absent

Creighton

Absent—Excused

Moore	Wilson
Ratliff	

Senator Kennard offered the following amendment to the pending amendment to the Committee Amendment to the bill:

Amend Committee Amendment No. 1 to House Bill No. 278 by striking the words "The University of Texas at Dallas," in Section 4.

The amendment to the pending amendment to the Committee Amendment was read and failed of adoption by the following vote:

Yeas—8

Brooks	Jordan
Grover	Kennard
Harrington	Mauzy
Herring	Schwartz

Nays—18

Aikin	Hightower
Bates	Kothmann
Beckworth	McKool
Bernal	Patman
Blanchard	Sherman
Bridges	Snelson
Connally	Wallace
Hall	Watson
Harris	Word

Absent

Christie	Creighton
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Absent—Excused

Moore	Wilson
Ratliff	

Senator Schwartz offered the following amendment to the pending amendment to the Committee Amendment to the bill:

Amend Committee Amendment No. 1 to House Bill No. 278 as follows: Add a new Section after Sec. 4 of Committee Amendment No. 1 to read as follows and be properly numbered.

"Sec. —. The Board of Directors of the Texas A&M University System is hereby authorized to issue revenue bonds pursuant to Article 2909c-3, Vernon's Civil Statutes of Texas, as amended, and/or pursuant to any other revenue bond law now or hereafter made applicable or available to said Board of Directors, and to pledge irrevocably to the payment of such bonds all or any part of the aggregate amount of student tuition charges required or authorized by law to be imposed on students enrolled at each institution, branch, and school operated by or under the jurisdiction of said Board of Directors; and the amount of any pledge so made shall never be reduced or abrogated while such bonds are outstanding; provided, however, that no bonds shall be issued by the Board of Directors of The Texas A&M University System pursuant to this section except for the purpose of providing funds to acquire, purchase, construct, improve, enlarge, and/or equip property, buildings, structures, and facilities for the following:

(1) Pelican Island Campus of The Texas A&M University System operated by and under the jurisdiction of said Board of Directors for maritime, oceanographic and other purposes.

(2) College of Veterinary Medicine at College Station and other locations as determined by said Board of Directors now or hereafter operated by and under the jurisdiction of said Board of Directors, and

(3) The School of Nursing of Prairie View Agricultural and Mechanical College of Texas now or hereafter operated at Houston and other locations as determined by and under the jurisdiction of said Board of Directors."

SCHWARTZ
MOORE
JORDAN

The amendment to the pending amendment to the Committee Amendment was read.

Senator Blanchard raised the Point of Order that the proposed amendment is not within the Governor's emergency message and is therefore not germane to the subject of the bill.

The President sustained the Point of Order.

Question recurring on the adoption of the amendment to the Committee Amendment by Senator Aikin, the amendment was adopted.

Record of Votes

Senators Kennard, Grover, Harrington, Christie, Mauzy and Schwartz asked to be recorded as voting "Nay" on the adoption of the amendment to the Committee Amendment.

The Committee Amendment as amended was then adopted.

Senator Kennard offered the following amendment to the bill:

Amend Section 4 of House Bill No. 278 by inserting between the third occurrence of the word "Regents" and the semicolon immediately following that word the words "except The University of Texas at Arlington."

The amendment was read and failed of adoption.

Vote by Which Senator Kennard's Amendment to H. B. No. 278 Failed of Adoption Reconsidered

On motion of Senator Aikin and by unanimous consent, the vote by which Senator Kennard's amendment to H. B. 278 failed of adoption was reconsidered.

Question on the adoption of the amendment, "Yeas" and "Nays" were demanded.

The amendment failed of adoption by the following vote:

Yeas—7

Christie	Kennard
Creighton	Mauzy
Grover	Schwartz
Herring	

Nays—20

Aikin	Blanchard
Beckworth	Bridges
Bernal	Brooks

Connally	McKool
Hall	Patman
Harrington	Sherman
Harris	Snelson
Hightower	Wallace
Jordan	Watson
Kothmann	Word

Absent

Bates

Absent—Excused

Moore	Wilson
Ratliff	

On motion of Senator Aikin and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to third reading by the following vote:

Yeas—19

Aikin	Jordan
Bates	Kothmann
Beckworth	McKool
Bernal	Patman
Blanchard	Sherman
Bridges	Snelson
Brooks	Wallace
Connally	Watson
Harris	Word
Hightower	

Nays—9

Christie	Herring
Creighton	Kennard
Grover	Mauzy
Hall	Schwartz
Harrington	

Absent—Excused

Moore	Wilson
Ratliff	

House Bill 278 on Third Reading

Senator Aikin moved that Senate Rule 32 and the Constitutional Rule requiring bills to be read on three several days be suspended and that H. B. No. 278 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23

Aikin	Bridges
Bates	Brooks
Beckworth	Christie
Bernal	Connally
Blanchard	Creighton

Harris	Schwartz
Herring	Sherman
Hightower	Snelson
Jordan	Wallace
Kothmann	Watson
McKool	Word
Patman	

Nays—5

Grover	Kennard
Hall	Mauzy
Harrington	

Absent—Excused

Moore	Wilson
Ratliff	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time.

Senator Kennard offered the following amendment to the bill:

Amend Section 4 of House Bill No. 278 by inserting between the third occurrence of the word "regents" and the semicolon immediately following the word the words "except The University of Texas at Arlington."

The amendment was read.

Pending discussion by Senator Kennard of the amendment, the President Pro Tempore occupied the Chair.

Pending further discussion by Senator Kennard of the amendment, Senator Aikin occupied the Chair.

Pending further discussion by Senator Kennard of the amendment, Senator Beckworth occupied the Chair.

(President in Chair.)

The amendment failed of adoption by the following vote:

Yeas—9

Bridges	Harrington
Brooks	Herring
Christie	Jordan
Creighton	Schwartz
Grover	

Nays—19

Aikin	Connally
Bates	Hall
Beckworth	Harris
Bernal	Hightower
Blanchard	Kennard

Kothmann	Snelson
Mauzy	Wallace
McKool	Watson
Patman	Word
Sherman	

Absent—Excused

Moore	Wilson
Ratliff	

The bill as amended was passed by the following vote:

Yeas—21

Aikin	Jordan
Bates	Kothmann
Beckworth	McKool
Bernal	Patman
Blanchard	Schwartz
Bridges	Sherman
Brooks	Snelson
Christie	Wallace
Connally	Watson
Harris	Word
Hightower	

Nays—7

Creighton	Herring
Grover	Kennard
Hall	Mauzy
Harrington	

Absent—Excused

Moore	Wilson
Ratliff	

Senate Bill 341 With House Amendment

Senator Schwartz called S. B. No. 341 from the President's table for consideration of the House amendment to the bill.

The President laid the bill and the following House amendment before the Senate:

Amend Senate Bill No. 341 by striking all below the enacting clause and inserting in lieu thereof the following:

Section 1. Where any city or town within this State has heretofore submitted to the qualified resident electors of such city or town who own taxable property within such city or town and who had duly rendered the same for taxation a proposition or propositions to authorize the governing body of such city or town to enter into a contract with any district or authority created under Article XVI, Section 59 of the Texas Constitution for the purpose of supplying

water to such city or town, pursuant to the provisions of Chapter 342, Acts of the 51st Legislature, 1949, and such water supply contract was approved by a majority vote of the said property taxpaying voters voting at such election, all such election proceedings, the results thereof, and proceedings of the governing body and officials of such city or town relating to such contracts and the authorization, execution, and delivery thereof are hereby validated, ratified, and confirmed, and any such contract heretofore entered into by any such city or town pursuant to such election is hereby validated, ratified, and confirmed, notwithstanding the fact that only qualified electors of such city or town who owned taxable property therein and who had duly rendered the same for taxation participated in such election.

Section 2. The provisions hereof shall not be construed as validating any contract where (i) such contract was required by law to be approved at an election, unless such contract was approved by a majority of the participating resident qualified electors owning taxable property within such city or town who had duly rendered same for taxation and the statutory election contest period has expired prior to the effective date of this Act, or (ii) such contract or election proceedings are involved in litigation questioning the validity thereof on the effective date of this Act.

Section 3. The fact that recent decisions of the United States Supreme Court have cast doubt on the validity of elections held prior to such decisions at which only property taxpaying electors participated, the fact that Texas law requires approval of certain contracts by such restricted classification of voters, and the further fact that proceedings and elections relating to such contracts, when such proceedings and elections have been in accordance with the requirements of Texas law, should be validated and cities and towns should be authorized to enter into such contracts, constitute and create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

The House amendment was read.

Senator Schwartz moved that the Senate concur in the House amendment.

The motion prevailed by the following vote:

Yeas—28

Aikin	Herring
Bates	Hightower
Beckworth	Jordan
Bernal	Kennard
Blanchard	Kothmann
Bridges	Mauzy
Brooks	McKool
Christie	Patman
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Harris	Word

Absent—Excused

Moore	Wilson
Ratliff	

Report of Standing Committee

By unanimous consent, Senator Patman submitted the following report for the Committee on Agriculture and Livestock:

S. B. No. 433 (Floor Report).

Memorial Resolutions

S. R. No. 598—By Senator Watson: Memorial resolution for V. M. Cox, Sr.

S. R. No. 599—By Senator Watson: Memorial resolution for T. T. Criswell.

S. R. No. 600—By Senator Watson: Memorial resolution for Mrs. Maggie M. Fike.

S. R. No. 601—By Senator Watson: Memorial resolution for Mack B. Hoover.

S. R. No. 602—By Senator Watson: Memorial resolution for James T. Higginbotham.

S. R. No. 603—By Senator Watson: Memorial resolution for Artice E. "Bud" Herren.

S. R. No. 604—By Senator Watson: Memorial resolution for Otto Heitmiller.

S. R. No. 605—By Senator Watson: Memorial resolution for Joe B. Dillard.

S. R. No. 607—By Senator Watson: Memorial resolution for Fred Blake.

S. R. No. 609—By Senator Watson: Memorial resolution for Lynn M. Bartlett.

Welcome and Congratulatory Resolutions

S. R. No. 591—By Senator Christie: Extending congratulations to KOOL Drug Abuse Task Force.

S. R. 592—By Senator Christie: Extending commendation to Charles H. Leavell.

S. R. No. 593—By Senator McKool: Extending congratulations to Gregg Manning.

S. R. No. 594—By Senator McKool: Extending congratulations to Gregg and John Hatfield.

S. R. No. 595—By Senator Harrington: Extending congratulations to Steve Worster (amended).

S. R. No. 596—By Senator McKool: Extending congratulations to Kim Brock.

S. R. No. 597—By Senator Bates: Extending best wishes for speedy recovery to Walter W. Schaefer, Sergeant-at-Arms of Texas House of Representatives.

S. R. No. 606—By Senator Watson: Extending welcome to Dan Harper et al.

S. R. No. 608—By Senator Watson: Extending welcome to Sam Dooley, et al.

S. R. No. 611—By Senator Herring: Extending welcome to teachers and first grade students, Barton Hills Elementary School.

S. R. No. 612—By Senator Snelson: Extending congratulations to Uvalde Chamber of Commerce.

S. R. No. 613—By Senator Herring: Extending welcome to teacher and students, seventh grade Social Studies Class, Porter Junior High School.

S. R. No. 614—By Senator Herring: Extending welcome to teachers and

students, sixth grade, Brentwood Elementary School.

S. R. No. 615—By Senator Watson: Extending welcome to Wilson Beard, et al.

S. R. No. 616—By Senator Herring: Extending congratulations to Chief Corpsman Joe Cannon Froh on his retirement.

S. R. No. 617—By Senator Watson: Extending welcome to Dr. Phil Schwartz.

S. R. No. 618—By Senator Watson: Extending welcome to George Herring.

Adjournment

On motion of Senator Aikin the Senate at 8:25 o'clock p.m. adjourned until 1:30 o'clock p.m. Monday, March 8, 1971.

APPENDIX

Sent to Governor

March 4, 1971

S. B. No. 91

THIRTY-SECOND DAY

(Monday, March 8, 1971)

The Senate met at 1:30 o'clock p.m., pursuant to adjournment, and was called to order by the President Pro Tempore.

The roll was called and the following Senators were present:

Aikin	Jordan
Bates	Kennard
Beckworth	Kothmann
Bernal	Mauzy
Blanchard	McKool
Bridges	Moore
Brooks	Patman
Christie	Ratliff
Connally	Schwartz
Creighton	Sherman
Grover	Snelson
Hall	Wallace
Harrington	Watson
Herring	Wilson
Hightower	Word